

REMARKS

This responds to the Office Action mailed on July 14, 2006. Claims 44, 68 and 70 have been canceled without prejudice to the filing of claims in the future covering this subject matter. Thus, claims 60-67 and 69 remain pending in this application.

Claims 60-70 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Brock et al., U.S. Patent Publication No. 2002/0087169 (the Brock et al. '169 publication). Applicants' counsel notes that the U.S. filing date of the Brock et al. publication is November 16, 2001, which is after the earliest effective filing date of the present application. Applicants' counsel further notes that the front face of the Brock et al. publication includes a long list of priority applications. This includes U.S. Patent No. 6,197,017 and publications associated with PCT Application No. PCT/US00/12553 and PCT/US01/11376. Applicants' counsel has reviewed the disclosures of U.S. Patent No. 6,197,017 and the publications associated with the mentioned PCT applications and these disclosures do not appear to contain the subject matter relied upon by the Examiner in applying the Brock et al. '169 publication to claims 60-70.

As the November 16, 2001 filing date of the Brock et al. '169 publication is ineffective in the present case under 35 U.S.C. § 102(e) and since the apparent publications in the priority chain contained on the front face of the Brock et al. '169 publication are also ineffective, Applicants' counsel does not understand the basis of the Examiner's rejection. The Examiner is therefore respectfully requested to provide precise evidence as to which of the priority documents establishes an effective date under 35 U.S.C. § 102(e), or withdraw the rejection.

If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicants do not believe that any fees are due in connection with this response other than the one month extension fee. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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